

Public Comments For:			Advisory Circular 00-68, Aircraft Certification Service Voluntary Disclosure Reporting Program			
Date:			August 7 2015			
Page Number	Paragraph Number	Referenced Text	Comment/Rationale or Question	Proposed Resolution	Comment Type (Conceptual, Editorial, or Format)	Disposition/Response to Comment
1	1.4	"This AC is not mandatory and does not constitute a regulation. This AC describes an acceptable means, but not the only means, to voluntarily disclose an apparent violation. However, if you use the means described in this AC, you must follow it in all important respects."	While we recognize this text as "boilerplate" language that appears in many ACs, for this AC, we request a clarification or a better definition/identification within the document as to what the "all important respects" are.	There should be no guess work by the applicant as to what is intended to be important or not-so-important.	C	Concur-Updated language to read "...This AC describes an acceptable means to voluntarily disclose an apparent violation. If you use the AC to voluntarily disclose noncompliances, the processes and requirements in this AC must be followed."
3	8.3	"A satisfactory fix is a comprehensive fix in which all corrective measures have been completed on schedule and are satisfactory to the FAA."	"A satisfactory fix is a comprehensive fix in which all corrective measures have been completed on schedule within a mutually agreeable (RE and IP) time frame and are satisfactory to the FAA."	Our suggestion is based on the fact that completion of the "fix" or "corrective actions" could still be considered satisfactory if a root cause/corrective action plan (RC/CAP) has been modified by the RE when in coordination with the FAA.	C	Concur-added "within a mutually..."
3	8.4	AIR personnel normally involved in investigating apparent violations. IPs may be any of the following: <input type="checkbox"/> Aviation safety inspectors for PAHs, <input type="checkbox"/> Aviation safety engineers and flight test pilots/engineers for DAHs, or <input type="checkbox"/> Organization management team leads for ODAs."	Organization management team lead for ODAs."	Our suggested change will allow correspondence to be addressed to the OMT lead without putting the responsibility to track individual team leads on the RE. The RE does not receive regular updates on OMT team leads.	E	Nonconcur-This was plural in a group sense "IP s" ASIs" "ASEs" "OMT leads". Most ODAs just have one lead.
4	9.4	"Note: If the RE discloses to the FAA an apparent violation during an FAA investigation/inspection or in association with an accident or incident, the IP will forego the use of the VDRP and will open a compliance and enforcement action."	"Note: If the RE discloses to the FAA an apparent violation during an related to a topic that the FAA investigation/inspection is investigating/inspecting, or in association with an accident or incident, the IP will may forego the use of the VDRP and will open a compliance and enforcement action."	Our suggestion will provide clarity of what the FAA is investigating/inspecting. The text proposed in the AC is not clear if, during a FAA investigation/inspection/supervision/oversight/audit, etc., the holder may not be able to voluntarily disclose anything, even items not related to the investigation.		Nonconcur-This suggestion provides to much ambiguity. Language was changed from will to may to allow some discretion.
4	10	"The VDRP employs a six stage process. Responsibility for each stage is assigned either to the RE or the IP, as described below. Except as specified in this AC, the voluntary disclosure policy applies only when notification of an apparent violation is made to the FAA by the RE, immediately after the apparent violation has been discovered by that entity, and before the FAA learns of the apparent violation by some other means."	"The VDRP employs a six stage process. Responsibility for each stage is assigned either to the RE or the IP, as described below. Except as specified in this AC, the voluntary disclosure policy applies only when notification of an apparent violation is made to the FAA by the RE, immediately after the apparent violation has been discovered determined by that entity, and before the FAA learns of the apparent violation by some other means."	We suggest changing the word "discovered" to "determined." When an apparent violation is discovered or suspected, an initial investigation must be performed on the identified apparent violation and it needs to be verified and/or validated; otherwise, there may be a lot of unnecessary rescinding of voluntary disclosures.		Nonconcur-initial notification can be given once a noncompliance has been discovered. There is nothing that prohibits the RE and the IP discussing if a determination can be made before further action is taken. In addition you have 10 days to submit a final report which could state the noncompliance was not substantiated and no further action needs to be taken

4	10	The VDRP employs a six stage process. Responsibility for each stage is assigned either to the RE or the IP, as described below.	We recommend that the paragraph be revised to include an explanatory NOTE, or otherwise clarified, to clearly differentiate the regulatory requirement of reporting failure, malfunction, and defects (FMD) per 14 CFR §21.3 from the voluntary reporting of escapes under the VDRP.	Once company learns of a possible escape, several processes run in parallel to investigate the extent. This process can take up to several days to conclude. Our Continued Operational Safety Program (COSP) system has been established to comply with the regulatory requirement of Failure, Malfunction and Defect (FMD) reporting per 14 CFR §21.3. Once the FMD report filed by the operator to comply with 14 CFR §121.703 is evaluated and is reported through our COSP, if required. If the fleet-affecting MFD that was reported through COSP (to the FAA Aircraft Certification Office) turns out to be a quality escape affecting production and reportable under VDRP, our experience has been that our regional Aviation Safety Inspectors (ASIs) will tie the fleet-FMD with the quality escape VDRP and therefore will not accept the voluntary disclosure. For this situation, they state that it has been previously reported to the FAA.		Concur- Added "Note: In the context of the AIR VDRP, other means does not mean in-service items reported through the RE's Continued Operational Safety Process (COSP). If an in-service issues is reported through COSP that was later discovered to be a quality escape, the disclosure is still acceptable providing it meets the criteria outlined in section 10.2.1 of this AC. "
4	10.1.3	"Notification should be submitted within 24 hours of the discovery of the apparent violation. An IP may use discretion and accept disclosures that exceed the 24 hour policy when the IP determines that a later submission is justified based on the specific circumstances and the submission is still considered timely. ...."	"Notification should be submitted within 24 hours of the discovery de+F12termination of the apparent violation for potentially unsafe conditions. All other apparent violations require 72 hours notification. An IP may use discretion and accept disclosures that exceed the 24 or 72 hour policy when the IP determines that a later submission is justified based on the specific circumstances and the submission is still considered timely. ...."	Notification to the FAA needs to be immediately reported after the violation has been determined by the Compliance Administrator (manager delegated by the ODA Administrator) and should be within 72 hours for apparent violations that are not potentially unsafe conditions. Our suggested change will standardize the identification of violations similar to the filing period of Part 25 non-compliances and as delineated in FAA (ODA) Order 8100.15, paragraph 3-18.c. Note. In addition, the criteria for reporting should be 24 hours from the determination (after the thorough investigation that could be initiated via any one of several processes, i.e., nonconformance reporting, supplier notification, fleet notification, etc.) that a quality escape has occurred and is reportable under the VDRP. This would be parallel to the language, and the established protocol, of 14 CFR §21.3, Failure, Malfunction and Defect Reporting.		Nonconcur-24 hours is the rule applied to all other regulator entities. The current language allows for discretion for a longer reporting time.
4	10, 10.1.1-10.1.4	The proposed text uses the word "notification" throughout 10.1.1 – 10.1.4 (e.g., "notification to the FAA").	We recommend using the word "communicate" or "communication" instead of "notification" in these paragraphs.	The word "notification" may inadvertently confuse the applicant, in that this AC is about Part 21 violations, not Part 25 violations that are commonly referred to as "notifications."		Nonconcur-Notification is the standard term used in all other FAA VDRP policy.
5	10.1.4	"5. Identification of Responsible Person. Identification of the person responsible for preparing the comprehensive fix."	"5. Identification of Responsible Person. Identification of the person responsible for preparing the implementation of the comprehensive fix."	The identified responsible person within the written report should be the person responsible for ensuring the implementation of the Comprehensive Fix, not for preparing it. Our VDRP reports are prepared by the FAA Liaison staff, but all have an executive within the particular program that is responsible for ensuring the corrective action is implemented and is effective.		Concur-added implementation

5	10.1.4	"6. Acknowledgement of Written Report. Acknowledgment that a detailed written report will be provided to the IP within 10 working days."	6. Acknowledgement of Written Report. Acknowledgment that a detailed written report will be provided to the IP within 30 calendar 10 working days, regardless of whether the RE has received an LOA from the IP."	Some voluntary disclosures are more complex than others and sufficient time must be provided to complete a thorough investigation. Our suggested revision (30 calendar days) will also reduce and potentially eliminate extension requests. Further, the "regardless ..." statement comes from paragraph 10.3 of the proposed AC. If that statement is to be used by FAA, it should be consistent with paragraph 10.1.4 – item 6, but only if the requested change from "10 working days" to "30 calendar days" is made.		Nonconcur-the report must be given in 10 days and there is already an allowance for the completed proposed compressive fix to be given in 30 days.
5	10.2.1	1. The FAA Was Notified. The RE has notified the FAA of the apparent violation immediately after detecting it and before the FAA has learned of it by other means."	We maintain that the Manufacturing Inspection District Office or the Certificate Management Office ASIs should not use the §21.3 FMD reporting process as criteria to "detect by other means" until the quality escape investigation has been concluded.	Please refer to our prior comments #6 and #7.		Concur- Added "Note: In the context of the AIR VDRP, other means does not mean in-service items reported through the RE's Continued Operational Safety Process (COSP). If an in-service issues is reported through COSP that was later discovered to be a quality escape, the disclosure is still acceptable providing it meets the criteria outlined in section 10.2.1 of this AC. "
5	10.2.1	"3. The Violation Does Not Reflect a Lack of Qualification. The apparent violation does not indicate a lack, or reasonable question, of qualification of the RE."	"3. The Violation Does Not Reflect a Lack of Qualification. The apparent violation does not indicate a lack, or reasonable question, of qualification of the RE. "Lack of qualification" is defined as ..."	We request clarification or elaboration on what the qualification criteria are based on. This will allow the RE to make an assessment of this factor prior to submittal of the disclosure.		Concur in part-added a note to see Order 2150.3 for further definitions
5	10.2.1	"4. FAA Approved Immediate Action Was Taken. Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation."	"4. Immediate Action Was Taken. Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation."	We suggest deleting the words "FAA Approved" from this text, as those words may cause confusion for the applicant. As written in the proposed AC, it could be construed to mean that the immediate action has to be approved by the FAA officially prior to submittal of the disclosure. The words "satisfactory to the FAA" are already contained in the paragraph.		Concur-Approved has been removed
6	10.2.3	"If the IP determines the disclosure is not acceptable, the IP will notify the RE and pursue the appropriate enforcement action."	We request that FAA reconsider this text. As noted in our prior comments #6 and #7, our experience has been that our regional ASIs will tie the fleet-FMD with the quality escape VDRP and therefore will not accept the voluntary disclosure. They state that it has been previously reported to the FAA.	Refer to our prior comments #6 and #7.		Concur- Added note to section 10 "Note: In the context of the AIR VDRP, other means does not mean in-service items reported through the RE's Continued Operational Safety Process (COSP). If an in-service issues is reported through COSP that was later discovered to be a quality escape, the disclosure is still acceptable providing it meets the criteria outlined in section 10.2.1 of this AC. "

6	10.3	"The RE will provide the written report to the IP within 10 working days after the initial notification was made, regardless of whether the RE has received an LOA from the IP. ..."	"The RE will provide the written report to the IP within 30 calendar days after the initial notification was made, regardless of whether the RE has received an LOA from the IP."	Currently, AC 00-58B states "The RE will provide ..." This new proposed AC now states "The RE will provide ..." as well as "... regardless of whether the RE has received an LOA from the IP." This subtle change will impact internal processes, specifically the Organization Designation Authorization (ODA) Voluntary Disclosure Reporting Process. This internal process has been approved by the FAA OMT as part of the ODA processes. If the word "will" is to be used, then we suggest changing "10 working days" to "30 calendar days" because some voluntary disclosures are more complex than others and sufficient time must be provided to complete a thorough investigation. Additionally, this will reduce, and potentially eliminate, requests for extensions. (See our previous comment #9 above).		Nonconcur-10 working days is acceptable with 30 for the complete proposed comprehensive fix. The intent of the Dry is for an entity to self fix...if a problem, as been identified it should continue to be investigated and corrected regardless of the FAA's response.
7	10.4	"Stage IV—Written Report Review and Comprehensive Fix Agreement. The IP works with the RE to ensure the RE has identified any root cause(s) and systemic issue(s) that led to the violation. This collaboration helps ensure the corrective action(s) contained in the comprehensive fix are acceptable to the FAA. Once the IP has agreed to the RE's comprehensive fix, they will— 1. Issue a Letter of Correction (LOC), which indicates the proposed comprehensive fix is accepted and the disclosure is closed contingent on the fix being implemented. 2. Update the EIS entry and close the entry at the field office level	"Note: If the comprehensive fix has not been accepted by the FAA, the RE will resubmit the report within 30 calendar days from the date of the FAA letter of rejection."	This gives clear guidance as to expectations upon rejection.		Nonconcur-if the agreement cannot be reacted on a satisfactory comprehensive fix, the FAA as the right to open a compliance or enforcement action.
1	1.4		"Important respects" is too subjective.	Define "important respects" or remove and replace with a more objective phrase.		Concur-Updated language to read "...This AC describes an acceptable means to voluntarily disclose an apparent violation. If you use the AC to voluntarily disclose noncompliances, the processes and requirements in this AC must be followed."
3	9.2		Sentence structure.	Change to read.  The following criteria will be used to determine whether a disclosed and apparent violation warrants being handled under the VDRP.		Concur-entire section has been updated to provided clearer guidance. l64
4	9.3		Sentence structure.	...In accordance with a written and agreed upon method between the RE and the overseeing IP.		Concur-entire section has been updated to provided clearer guidance.
4	9.3		Presume that "written agreed" to equal an existing method in a FAA approved PM.			Concur-entire section has been updated to provided clearer guidance.

8	10.6.1		Reconsider optional written notice.	Written or electronic notice would be preferred.		Concur in part-Added a statement that the IP should be notified, written notification is an optional means but not required. Written notification is provided once a satisfactory fix is agreed too.
All	All	General	We agree with the stated intent of AC regarding a process to self-disclose. Safety is improved with an appropriate self-disclosure process. However the process defined here is arduous and costly for FAA and industry. In many cases the cost to process the self-disclosure may exceed the cost of enforcement for small/narrow issues where safety is not a concern and there is no intentional violation. As such, that cost in both resource and time is a disincentive to self-disclose. Consideration should be given to developing a "small	Consideration should be given to developing at least a two tiered self-disclosure process that is applied according to the safety effects of the non-compliance. The first (lower) tier would apply to issues with major or less safety effect. It should have fewer requirements, provide greater discretion to the IP and allow verbal disclosures followed by written communication that is determined suitable by the IP. In outline form it would consist of following stages:		Concur-an informal and a formal process have been created
1	1.1	This advisory circular (AC) provides information and guidance material to Federal Aviation Administration (FAA) Aircraft Certification Service (AIR) Production Approval Holders (PAHs), Design Approval Holders (DAHs), and Organization Designation Authorization Holders (ODA Holders) who choose to voluntarily disclose apparent violations to Title 14 of the Code of Federal Regulations (14 CFR).	The AC uses "apparent violation" of the CFR as the basis for the self-disclosure. Later in 9.2 apparent violation is used regarding 1. Potential safety issue, 2. Quality escape for articles and parts other than cosmetic flaws (flaws that do not effect fit/form/function or cause safety issues), or 3. Systemic discrepancies to quality or procedural requirements. A safety issue may not be a violation of 14CFR so does the AC apply only to those that are determined to be 14 CFR violations?	Recommend definition for "apparent violation" and/or "violation" to communicate what is intended.  Alternately, consider replacing "violation" and "apparently violation" with "issue" as may be appropriate throughout the document.		Concur in part: the content in 9.2 was changed to read "apparent noncompliance...must not result in 1. A safety concern..." The intent is a more robust process needs to be used for noncompliances that cause a safety concern.  The use of the term "violation" has been replaced with "noncompliance"
1	1.2	practices cannot be applied to... (2) those persons who are required to report failures, malfunctions, and defects pursuant to 14 CFR 21.3;	This states that the very entities that paragraph 1.1 says the AC applies to cannot use it since all of them are required to report under 21.3.	Adjust language to indicate at (2) those persons who are required to report but do not report.		Concur-updated language to "...those persons who are required to report failures, malfunctions, and defects pursuant to 14 CFR 21.3, reporting of failures, malfunctions, and defects, and who do not make those reports in the timeframe required by the regulations"
1	1.2	report unsafe conditions pursuant to 14 CFR 183.69.	to 14 CFR 183.69 does not exist.	Change 183.69 to 183.63		Concur-Changed to 183.63
1	1.3	the Monitor Safety Analyze Data (MSAD)	No reference to what this is	Define MSAD process or provide reference to it		Concur-Removed entire paragraph-will address the MSAD issue at a later date.
1	2	AIR lead ODA Holder authorized	It is not clear what a "lead" ODA Holder is.	Remove "AIR lead" from the sentence or perhaps define what an "AIR lead ODA Holder" is.		Concur-changed language to "...or ODA Holder whose lead managing office is an AIR office (AIR lead ODA Holder)"
3	8.2.1	A comprehensive fix is an action, or actions, proposed by the RE and accepted by the responsible FAA personnel, to preclude recurrence of the apparent violation that has been voluntarily disclosed under this program.	The definition of "comprehensive fix" should not include "and accepted by the responsible FAA personnel".  We agree the FAA will need to accept it but as used later in the document, a comprehensive fix exists prior to the FAA accepting it.	Delete "and accepted by the responsible FAA personnel" from 8.2.1		Concur in part-"changed to agreed upon by..." This is a definition of what a comprehensive fix entails and in the process it is agreed to by the FAA.
3	8.2.2	A schedule of the dates and events encompassed by the comprehensive fix must be established, including a schedule for completion of a self-audit following	Frequently, the corrective action and "fix" is complete quickly such that requiring a schedule with the use of "must" does not provide appropriate flexibility.	Change must to should		Concur in part-This whole section was removed
3	8.4	Organization management team leads for ODAs	It is not clear why only the OMT Lead is suitable for the role of IP	Change from "Organization management team leads for ODAs" to "OMT members for ODAs"		Nonconcur-Leads are specifically called out to serve as a focal point for who the disclosure should go to. The lead my chose to have members work on the disclosure once it is expected, but the focal for the RE will be the lead.

3	9.2	If the disclosure meets one or more of the following criteria, the VDRP must be used:	The AC is a guidance document/process should not require that VDRP must be used.	If disclosure is desired and the issue meets one or more of the following criteria, the VDRP should be used.		The intent of this statement is captured in clause of section 1.4 which states in part that this AC is not mandatory and it is not the only means to disclosure, but if you choose to disclose using this process you must follow the requirements. So the processes outlined in section 9 and forward must be used.
4	9.4	For all other items disclosed that do not fall under one of the criterion listed above, RE notification, trending, and tracking will be done in accordance with a written agreed upon method between the RE and the overseeing IP. All disclosures must be tracked by the IP until correction has been verified.	It is not clear why this is addressed in the AC since it is not under or part of the VDRP.  As stated, this will require significant resources and cost to both the FAA and industry to process reports that may have no safety effect at all.  Only issues with a safety effect greater than "major" should be processed as stated.	Failing that, consider qualify what reports would be subject to the processing of 9.3 based on safety effect of the reported issue.		Concur in part-This section was restricted to make it more clear. Any noncompliances disclosed, regardless of the severity, must have a corrective action plan to gain and maintain compliance. Knowing the current VDRP process is cumbersome for noncompliances of a lower risk/isolated nature, we have put in place a informal and formal VDRP.
4	10	Failing that, consider qualify what reports would be subject to the processing of 9.3 based on safety effect of the reported issue.	As noted previously at paragraph 1.1, "apparent violation" should be replaced with "issue".  The use of "immediately" here and "24 hours" in later paragraphs for the same report is not consistent.	Replace "immediately" with "promptly".		Concur-violation has been changed to noncompliance. Immediately has been replaced with promptly.
4	10.1	When the RE notifies the FAA of an apparent violation, the following guidance must be used:	The use of the imperative "must" is inconsistent with the document as whole since it is guidance document and not a requirement.	Replace "must" with "should"		Nonconcur-section 1.4 which states in part that this AC is not mandatory and it is not the only means to disclosure, but if you choose to disclose using this process you must follow the requirements. So the processes outlined in section 9 and forward must be used.
4	10.1.1	Notification must be directed to the appropriate IP who has oversight of the RE	The use of the imperative "must" is inconsistent with the document as whole since it is guidance document and not a requirement.	Replace "must" with "should"		Nonconcur-section 1.4 which states in part that this AC is not mandatory and it is not the only means to disclosure, but if you choose to disclose using this process you must follow the requirements. So the processes outlined in section 9 and forward must be used.
4	10.1.2	Notification must be submitted via written hardcopy or by electronic means.	The use of the imperative "must" is inconsistent with the document as whole since it is guidance document and not a requirement.	Replace "must" with "should"		Nonconcur-section 1.4 which states in part that this AC is not mandatory and it is not the only means to disclosure, but if you choose to disclose using this process you must follow the requirements. So the processes outlined in section 9 and forward must be used.
4	10.1.2	Notification must be submitted via written hardcopy or by electronic means.	It is not clear why there is no provision for verbal disclosure with written copy to follow especially given the imperative to report quickly.  Often we have found that in complex avionics situations we don't know enough to provide much factual information but providing notice of an issue verbally helps ensure we have timely reporting before the issues have clarified.	Make provision for verbal notice process with written report to follow.		Nonconcur-Electronic means has been added so that an email will suffice. Even if the issue is complex there are minimum notification requirements that have to be met (even if verbal was allowed). To avoid miscommunication, these need to be in some form of writing.

4	10.1.3	<p>An IP may use discretion and accept disclosures that exceed the 24 hour policy when the IP determines that a later submission is justified based on the specific circumstances and the submission is still considered timely.</p> <p>The following are examples of discretion for VDRP notification acceptance:</p> <ol style="list-style-type: none"> <li>1. A voluntary disclosure may be accepted if received in excess of 24 hours of the violation if the FAA has learned of an apparent violation from an ASAP report as described in AC 120-66, Aviation Safety Action Program (ASAP), as amended.</li> <li>2. A voluntary disclosure may be accepted if received in excess of 24 hours of the apparent violation via an ODA self audit report as described in FAA Order 8100.15, Organization Designation Authorization Procedure</li> </ol>	<p>The AC should provide the authority to the FAA person closest to the issues (IP) to make good decisions based on experience and judgment. The IP should ensure the self-disclosure is done prior to the FAA finding out some other way and the RE has exercised appropriate product control once the non-compliance is understood. A third example of the IP discretion should include allowing the IP determine if the aforementioned criteria have been met.</p>	<p>Add a 3rd IP discretion example:</p> <ol style="list-style-type: none"> <li>3. Other situations determined appropriate by the IP where the RE has accomplished reporting prior to the FAA learning of the issue by other means and the RE has taken appropriate product/process control once the issue is understood.</li> </ol>		<p>Nonconcur-the main paragraph gives discretion the two bullets are just key examples.</p>
4	10.1.4	<p>Notification must address</p>	<p>The use of the imperative "must" is inconsistent with the document as whole since it is guidance document and not a requirement</p>	<p>Replace "must" with "should"</p>		<p>Nonconcur-section 1.4 which states in part that this AC is not mandatory and it is not the only means to disclosure, but if you choose to disclose using this process you must follow the requirements. So the processes outlined in section 9 and forward must be used.</p>
5	10.1.4	<ol style="list-style-type: none"> <li>1. Brief Description of Apparent Violation. A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered.</li> <li>2. Verification of Cease of Noncompliance. Verification that noncompliance ceased after the apparent violation was identified.</li> <li>3. Brief Description of Immediate Action. A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation, and the person responsible for taking the immediate action.</li> <li>4. Verification of Evaluation. Verification that an evaluation is underway to determine if there are any systemic problems and the corrective steps necessary to prevent the apparent violation from recurring.</li> <li>5. Identification of Responsible Person. Identification of the person responsible for preparing the comprehensive fix.</li> <li>6. Acknowledgement of Written Report. Acknowledgment that a detailed written report will be provided</li> </ol>	<p>Assuming the RE and IP are working together, these requirements for notification content are too prescriptive and require more resource from FAA and industry than necessary especially given that there is a follow-up report with all this information and more coming.</p>	<p>Allow notification to be brief and to the point with description of the issue and a safety assessment of the condition. Issues with safety assessments less than "hazardous" should include provision for the follow-up report to occur according to a schedule agreed by the IP and RE.</p>		<p>Nonconcur-these are data points and actions that the agency feels are important to address. These requirements are really only asking for brief descriptions and acknowledgement that action is being taken to address the issues. The amount of detail that is in each of these requirements will depend on the complexity of the noncompliance.</p>

5	10.2.1	1. The FAA Was Notified. The RE has notified the FAA of the apparent violation immediately after detecting it and before the FAA has learned of it by other means.	Same issue as paragraph 10, it not clear what "immediately" means.  As noted previously at paragraph 1.1, "apparent violation" should be replaced with "issue"	Replace "immediately" with "promptly".  "apparent violation" should be replaced with "issue"		Concur-violation has been changed to noncompliance. Immediately has been replaced with promptly.
5	10.2.1	4. FAA Approved Immediate Action Was Taken. Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation.	It not clear what "immediately" means.  How does the FAA "approve" action?  "conduct" implies the issue is someone.	FAA Agrees Prompt Action Was Taken. Prompt action, satisfactory to the FAA, was taken upon discovery to stop the process that resulted in the issue.		Concur in part-FAA approved was removed. The reaming language stayed the same. Immediate action should be taken and the FAA promptly notified. Conduct implies an action to taken by an individual or a result of a process not working.
6	10.3	10.3 Stage II—Written Report of the RE's Apparent Violation. The RE will provide the written report to the IP within 10 working days after the initial notification was made,	For issues that are less than a Hazardous safety effect the guidance should allow the IP and RE to work together to determine appropriate timing for the written report.	Adjust the sentence as follows:  The RE will provide the written report to the IP within 10 working days or as agreed by the IP after the initial notification was made,		Nonconcur-the report must be given in 10 days and there is already an allowance for the completed proposed comprehensive fix to be given in 30 days.
			An example of the use of this AC for a process issue would be very helpful.	Add an example in an Appendix.		Nonconcur-unsure of what this would entail
4	9.4		The note seems to conflict with paragraph 10.	If the RE discloses to the FAA an apparent		Nonconcur-This suggestion provides to much
5	10.2.1		The note is formatted differently than the other	Reformat note to match others.		Concur-changed
			A process flow map would be helpful to visualize	Provide process flow map		Nonconcur-Flow charts are not allowed in Aces per
	10.6.1		It would be sensible for the FAA to provide written notification that they have satisfactorily verified the completed comprehensive fix. Otherwise it would seem they could always hold this over the RE.	Add requirement for FAA to provide written notification of closure.		Concur in part-Added a statement that the IP should be notified, written notification is an optional means but not required. Written notification is provided once a satisfactory fix is agreed too.
	12		What is the process for requesting the resolution of an issue to the next level of management??	Possibly other FAA guidance could be referenced here.		This process is more discretionary and will depend on the entity and the FAA office they are dealing with. There is no official guidance.
	2		How do you know if you are an RE authorized to submit voluntary disclosures under the VDRP?	Remove "authorized to submit" if intent is to include all AIR regulated Res		Concur-statement removed
	2		Assuming VDRP in this context refers to a set of written requirements and processes and not the web-based VDRP system, this section, or section 1, would be a good place to make clear that this guidance does not use the web based VDRP. If that assumption is incorrect, there should be separate instructions for those who do and those who cannot access and use the web-based VDRP, similar to appendix 3 of AC 00-58.	Better describe the relationship of this guidance to the web-based VDRP system and/or clearly state the AIR regulated REs are not eligible to use the web-based VDRP system		Concur-added statement
	8.2		The definition for the term "comprehensive fix" could be improved to better describe who "corrective action" is a part of the "comprehensive fix". Without this clear definition in the "KEY TERMS" section, the mixed interchanging of the terms "comprehensive fix" and "corrective action" throughout the AC is very confusing.	Section 10.3 does a better job of defining how "comprehensive" includes "corrective action", "responsibilities" and "time schedule". Use some of that language		Concur-definition has been changed.
			Some cases of self disclosure are relatively minor (little to no safety impact) and administrative in nature	Suggest adding an informal, less cumbersome process to cover such instances, particularly when a certification project is still open and active		Concur-an informal VDRP process has been added.



	1.1 & 2		Para 1.1 states the AC provides information for PAHs, DAHs and ODA Holders who choose to voluntarily disclose violations. Para 2 states the AC affects REs "authorized to submit voluntary disclosures under the Voluntary Disclosure Reporting Program (VDRP)". As written, Para 1.1 infers the specified Holders can follow the guidance, whereas Para 2 infers the Holder must first be authorized before it can be followed. Which is correct?	Please consider reword either Para 1.1 or Para 2 as appropriate to clarify when and by whom the information in the AC can be followed.		Concur-removed the phrase authorized.
	2		Typographical errors: "...which consist of any FAA PAH, DAH, Or AIR lead..."	Please consider correcting to: "...which consist of any FAA PAH, DAH, or AIR lead..."		Concur-changed
	1.1; 2; 5		Included in the intended audience (Para 2) are "AIR lead ODA Holders". What is an "AIR lead ODA Holder"? Is that different than other ODA Holders? Para 1.1 states "ODA Holders", but does not specify they must be "AIR lead".	Please consider adding clarification as to what an "AIR lead ODA Holder" is, and reword Para 1.1 and/or Paras 2 and 5 if appropriate for clarification and consistency.		Concur-provided more information about what an AIR lead ODA is in section 2
	2		Para 2 states the AC affects REs authorized to submit voluntary disclosures under the VDRP. What is the vehicle for that authorization? What guidance may REs that are not authorized to submit under the VDRP follow?	Please consider augmenting this paragraph to clarify how use of the VDRP is authorized, and what guidance an RE should follow if not authorized.		Concur-removed the phrase authorized.
	5		Para 5 states this draft AC replaces the use AC 00 58B for all AIR lead ODA Holders. Same comment as items 3 and 4 above. What is an "AIR lead ODA Holder"? Is that different than other ODA Holders?	Please consider rewording Para 5 as needed if AIR lead ODA Holders are different than other ODA Holders and if REs not authorized to submit under the VDRP need to follow alternate guidance.		Concur-provided more information about what an AIR lead ODA is in section 2
	9.2		Typographical error: "...flaws that do not effect fit/form/function..."	Please consider changing "effect" to "affect" to be grammatically correct.		concur-changed
	10.1.3		"A voluntary disclosure may be accepted if received in excess of 24 hours of the apparent violation via an ODA self-audit report as described in FAA Order 8100.15..." Does this mean that if a violation is reported as part of the self-audit report it also must be reported via the VDRP process, or does it mean that reporting a violation in a self-audit report is an acceptable, alternate means of disclosure?	Please consider rewording for clarity.		Concur added- "The noncompliance discovered must be disclosed via this AC as well as noted in the self-audit report as described in FAA Order 8100.15..."
	10.6.1		The note indicates that written notification is not required upon completion of verification.	Please consider including a requirement for the IP to provide written notification. If the IP decides not to provide written notification the RE can be left in an unsure state, and will also have no evidence that the issue has been satisfactorily closed by both the RE and the FAA.		Concur in part-Added a statement that the IP should be notified, written notification is an optional means but not required.